



**Water Resources Program**  
**Statement of Intent for Pending Application**  
**for a Water Right Permit**

*To determine interest and/or option of pursuing an existing new water right  
Application in the Yakima Basin (WRIAs 37, 38 and 39)*



Questions about this form should be directed to the Department of Ecology  
Central Regional Office (509) 575-2490

**1. Application Number:**

WATER RIGHT APPLICATION NO. (i.e. 1234, G4-01234, etc.)

64-31673

**2. Applicant Information:**

APPLICANT/BUSINESS NAME DAVID M. READ	PHONE NO. 509 899-1354	PHONE NO.
MAILING ADDRESS 273 SERENITY LANE		
CITY ELLENBURG	STATE WA	ZIP CODE 98926
E-MAIL ADDRESS		

**3. Intent: Check the Appropriate Box: Choose ONLY one box.**

A. **Mitigate** - Providing a mitigation plan may allow Ecology to approve your application.

☐

**a. MITIGATE with PLAN:** I/we request that Ecology amend this application to include the attached mitigation plan and process the application at this time. I/we believe my mitigation plan offsets the adverse impacts to the state's water resources that would be caused by the new consumptive use identified in this application. I believe the proposed mitigation plan protects existing water rights by offsetting adverse flow impacts to the Yakima River and/or a more nearby tributary creek.

☐

**b. ON-HOLD:** I/we request that Ecology place this application On-Hold, while I/we pursue mitigation. A mitigation plan can be submitted at any time in the future to accompany this application. The application priority date will remain the same as a result of choosing this option.

(Continued on reverse side →)

B. **Process** - Please process my application.

☐ a. **PROCESS – NON-CONSUMPTIVE**: I/we request that Ecology process the application at this time. I/we believe the proposed project qualifies as a non-consumptive use. A non-consumptive water use does not diminish the source or impair existing water rights.

☐ b. **PROCESS – CONSUMPTIVE, WITHOUT MITIGATION**: I/we request that Ecology process this application in its current state. I/we hereby request that the application be evaluated for approval or denial, which is an appealable action.

C. **Assign** - I/we no longer own the place where water was intended to be used under the permit application.

☐ **ASSIGN**: I/we request to assign my/our interest in the permit application to another person. This requires filing of an application assignment form and fee (RCW 90.03.310). To download the assignment form go here:  
<http://www.ecy.wa.gov/biblio/ecy040161.html>

*If you choose to assign, please also check the appropriate box below.*

- ☐ Process the attached assignment form.  
☐ Mail me an assignment form.

D. **Withdraw** - Please withdraw my application.

☒ **WITHDRAW**: I am/we are no longer interested in pursuing the above application to appropriate public waters of the state. I/we understand that this withdrawal is voluntary and that this application will be removed from the list of pending applications.

4. **Signatures**: Attach additional signatures, if applicable.

*I certify that I am the holder or authorized representative of the above water right application.*

DAVID M. READ  
Print Name  
(Applicant or authorized representative)

David M Read  
Signature

12/2/13  
Date

\_\_\_\_\_  
Print Name  
(Applicant or authorized representative)

\_\_\_\_\_  
Signature

\_\_\_\_\_  
Date

**A Business Reply Envelope is enclosed. Submit the form to:**

Department of Ecology  
CRO - WR  
PO Box 47600  
Olympia WA 98599-7600



State of Washington  
DEPARTMENT OF ECOLOGY  
15 W Yakima Ave, Ste 200  
Yakima, WA 98902-3452

8/16/13 (5) NSA

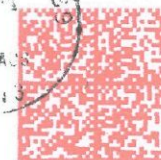
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DEPARTMENT OF LABOR & INDUSTRIES

AUG 20 2013  
YAKIMA, WA

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7010 0290 0000 7126 3776



DAVID READ  
ROUTE 1 BOX 916  
ELLENSBURG WA 98926-9726

NIXIE 992 SE 1009 7208/17/13

RETURN TO SENDER  
NO SUCH NUMBER  
UNABLE TO FORWARD

BC: 98902345299 \*1689-03845-15-42

98902@3452  
9892639801 RO



STATE OF WASHINGTON  
DEPARTMENT OF ECOLOGY

*Returned Undeliverable*

15 W Yakima Ave, Ste 200 • Yakima, WA 98902-3452 • (509) 575-2490

August 15, 2013

David Read  
Route 1 Box 916  
Ellensburg WA 98926-9726

Re: Water Right Permit Application No. G4-31673

Dear Applicant:

The purpose of this letter is to inform you about options regarding your pending ground water right application No. G4-31673, filed with the Department of Ecology (Ecology) on 3/26/1993, located in the Yakima Basin, specifically Kittitas County. We appreciate your patience with the water right permitting process. As a result of water shortages and legal challenges, water supplies in the Yakima Basin have been at risk and under litigation for years, and Ecology has not been able to issue new water right permits during that time. A comprehensive study has been recently completed that now allows us to move forward in the processing of water rights applications in your area.

The Yakima River Basin Surface Water Adjudication<sup>1</sup> (Adjudication) is entering its 35<sup>th</sup> year and moving toward completion. The Adjudication and other applicable state and federal Court decisions have clearly determined that water supply in the Yakima River Basin is over appropriated. In other words, the courts have said that more surface water rights have been confirmed in the Adjudication than there is water legally available to appropriate. This condition is more severe during low water years, when the basic tenet of Western Water Law is relevant – first in time, first in right. Those with surface water rights in the Yakima Basin with priority dates after May 10, 1905, have frequently been limited or curtailed during low water years.<sup>2</sup> The purpose of curtailment is to protect access to water for senior water right holders.

In September 2011, the United States Geological Survey (USGS) released the final report on the Yakima Basin Groundwater Study.<sup>3</sup> This 12-year study confirmed that groundwater and surface water are directly connected in the Yakima Basin.

<sup>1</sup> *State of Washington, Department of Ecology v. James J. Acquavella, et al., Yakima Superior Court Cause No. 77-2-01484-5.* <http://www.ecy.wa.gov/programs/wr/rights/adjhome.html>

<sup>2</sup> The following years represent low water years since the Adjudication began in 1977; 1977, 1992, 1993, 1994, 2001, and 2005. These years are good indicators as to the frequency of junior surface water right holders having limited water supply or being curtailed in the recent past.

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**FILE COPY**

The study also demonstrates that pumping groundwater wells in Kittitas County reduces streamflow and would add to the existing water deficit in the Yakima Basin.

Therefore, Ecology anticipates that it will be unable to approve any pending applications for new surface water or groundwater rights in this county unless an applicant is able to mitigate for the expected impact of the new water use. This is because a formal permit decision would likely conclude that under state law: 1) water is not available for new appropriation, 2) a new appropriation would impair existing water rights, and 3) a new appropriation would not be in the public interest. (RCW 90.03.290)

The good news is the Yakima Basin Integrated Water Resources Management Plan<sup>4</sup> (Integrated Plan) is working to fill the Basin's existing deficit and may even provide some additional water supplies in the basin for future uses. Unfortunately, the Integrated Plan is a long-term solution and is not the short-term answer.

Based on our review of your application, we have determined that your water right application is junior to the critical date of May 10, 1905, and will likely have an impact on surface water in the Yakima Basin unless mitigated. Therefore, we ask that you consider, and subsequently choose one of the following options regarding your pending water right application on the enclosed Statement of Intent form.

#### Application Processing Options

A. **Mitigate<sup>5</sup>** - In the case of your application, providing a mitigation plan that protects existing water rights by offsetting the flow impacts to the Yakima River and/or nearby tributary creeks may allow Ecology to approve your application that otherwise would likely be denied because it does not meet the legal requirements of water availability, impairment, or public interest. A mitigation plan should describe the effects of your proposed water use and present a proposal to alleviate those effects.

- a. **Mitigate with Plan.** By selecting this option, you choose to include a mitigation plan to support processing your application. The mitigation plan must offset the adverse impacts to the state's water resources that would be caused by the new consumptive use identified in your application, and must protect existing water rights by offsetting adverse flow impacts to either the Yakima River and/or a more nearby tributary creek.
- b. **On-hold.** By selecting this option, you choose to place your application On-Hold, while you pursue mitigation. A mitigation plan can be submitted at any time in the future to accompany your application. You will not lose the priority date of your application as a result of selecting this option.

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<sup>4</sup> The Integrated Plan identifies a comprehensive approach to develop water resources and ecosystem restoration improvements to address a variety of problems affecting fish passage, fish habitat, and water supplies for agriculture, municipalities, and domestic uses. <http://www.ecy.wa.gov/programs/wr/cwp/YBIP.html>

<sup>5</sup> "Mitigation" means measures that offset adverse effects on a water source to eliminate impairment to existing water rights and/or detriment to the public interest. See FAQ enclosure for more details.

- B. **Process** - You may request that your application continue to be processed to a formal decision without providing or seeking mitigation.
- a. **Process – Non-Consumptive.** By selecting this option, you request that your application be processed at this time because your project qualifies as a non-consumptive<sup>6</sup> use. A non-consumptive water use does not diminish the water source or impair existing water rights.
  - b. **Process – Consumptive, Without Mitigation.** By selecting this option, you request that your application be processed in its current state, though an approval is unlikely. Groundwater and surface water are not available for further consumptive appropriation in the subbasin where your application is pending. Exercising this option requires Ecology to make a formal decision on your application that is appealable pursuant to RCW 43.21B.310.
- C. **Assign** – If you are no longer the current owner of the place where the permit application was intended to be used, selecting this option requests that your interest in the permit application be assigned to another person. This requires an assignment form and fee be filed with Ecology for the application (RCW 90.03.310). Assignment forms are available at <http://www.ecy.wa.gov/biblio/ecy040161.html>.
- D. **Withdraw** - If you are no longer interested in pursuing your application to appropriate public waters of the state, selecting this option will withdraw your application and remove it from the list of pending applications. Withdrawal is voluntary.

This letter and the enclosed Statement of Intent Form have been sent to determine the next steps regarding No. G4-31673. This letter is not an Administrative Order issued by Ecology pursuant to RCW 43.27A.190, nor is issuance of this letter an appealable action pursuant to RCW 43.21B.310.

Please reply within ninety (90) days of the date of this letter by choosing one option on the enclosed Statement of Intent Form and mailing it back to Ecology using the enclosed postage-paid envelope.

**If you do not respond within ninety (90) days of the date of this letter or do not return the enclosed form, Ecology will process the application in its current state. An approval is unlikely; a formal decision is likely to result in a denial of the application based on groundwater and surface water not being available for further consumptive appropriation in the subbasin where your application is pending.** A formal decision will result in an appealable action pursuant to RCW 43.21B.310.

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<sup>6</sup> Water Resources Program Policy 1020 – Consumptive and Nonconsumptive water use.  
[http://www.ecy.wa.gov/programs/wr/rules/pol\\_pro.html](http://www.ecy.wa.gov/programs/wr/rules/pol_pro.html)

If you have any questions or need additional assistance, we have several staff available to help.

Please contact:

Teresa Mitchell at [teresa.mitchell@ecy.wa.gov](mailto:teresa.mitchell@ecy.wa.gov) or 509-575-2597 or  
Sage Park at [sage.park@ecy.wa.gov](mailto:sage.park@ecy.wa.gov) or 509-454-7647

Sincerely,



Mark Kemner, LHG  
Section Manager  
Water Resources Program

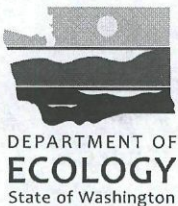
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Enclosure: *Statement of Intent Form for Pending Application for a Water Right Permit in the  
Yakima Basin (plus postage-paid envelope for returning the form)  
Focus on mitigation in the Yakima Basin, publication no. 12-11-024*

By certified mail: 7010 0290 0000 7126 3776

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Certified Fee	
Return Receipt Fee (Endorsement Required)	
Restricted Delivery Fee (Endorsement Required)	
David Read Route 1 Box 916 Ellensburg WA 98926-9726 WR/gh G4-31673 KRO	See Reverse for Instructions
PS Form 3800, August 2006	

922E 9272 0000 0620 0702



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*To determine interest and/or option of pursuing an existing new water right  
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Central Regional Office (509) 575-2490**

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**G4-31673**

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APPLICANT/BUSINESS NAME	PHONE NO.	PHONE NO.
MAILING ADDRESS		
CITY	STATE	ZIP CODE
E-MAIL ADDRESS		

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**FILE COPY**

*(Continued on reverse side →)*

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\_\_\_\_\_  
Print Name  
(Applicant or authorized representative)

\_\_\_\_\_  
Signature

\_\_\_\_\_  
Date

\_\_\_\_\_  
Print Name  
(Applicant or authorized representative)

\_\_\_\_\_  
Signature

\_\_\_\_\_  
Date

**A Business Reply Envelope is enclosed. Submit the form to:**

Department of Ecology  
CRO - WR  
PO Box 47600  
Olympia WA 98599-7600

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YOUR LABEL NUMBER	SERVICE	STATUS OF YOUR ITEM	DATE & TIME	LOCATION	FEATURES
70100290000071263776		Processed through USPS Sort Facility	August 19, 2013, 5:41 am	YAKIMA, WA 98903	Certified Mail™
		Processed through USPS Sort Facility	August 18, 2013, 11:38 pm	YAKIMA, WA 98903	
		Depart USPS Sort Facility	August 17, 2013	SPOKANE, WA 99224	
		Processed through USPS Sort Facility	August 17, 2013, 3:33 pm	SPOKANE, WA 99224	
		Undeliverable as Addressed	August 16, 2013, 8:08 am	ELLENSBURG, WA 98926	
		Processed through USPS Sort Facility	August 16, 2013, 3:14 am	YAKIMA, WA 98903	
		Depart USPS Sort Facility	August 15, 2013	YAKIMA, WA 98903	
		Processed through USPS Sort Facility	August 15, 2013, 9:21 pm	YAKIMA, WA 98903	

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State of Washington  
DEPARTMENT OF ECOLOGY  
15 W Yakima Ave, Ste 200  
Yakima, WA 98902-3452

5  
8-17

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0002009106 AUG 15 2013  
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ROUTE 5 BOX 1085  
ELLENSBURG WA 98926

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SENDER



9892639805 R005



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Department of Ecology  
Attn: Water Resources Program  
15 W Yakima Avenue, Suite 200  
Yakima WA 98902-3452

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10/25/2013

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ZIP 98902  
041L11228924

Russ Michel  
Route 5 Box 1085  
Ellensburg, WA 98926

NIXIE

992 DE 1009

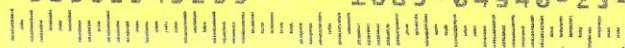
0010/27/13

G4-31673

RETURN TO SENDER  
NOT DELIVERABLE AS ADDRESSED  
UNABLE TO FORWARD

BC: 98902345299

\*1689-04940-25-41



WR/gh KRC

Russell was born on May 12, 1912 and passed away on Tuesday, February 3, 2009.

Russell was a resident of Odessa, Washington.

<http://www.tributes.com/show/Russell-Michel-85324442>

**Search Options**  
Age Range  
  
First Name  
**Russ**  
Middle Name  
  
Last Name \*  
**Michel**  
Maiden Name  
  
City  
  
State  
Washington  
ZIP Code  
  
☐ Match last name exactly  
☐ Only show records with age  
☐ Only show living persons

**31 Results found!**  
Select a record below to access detailed information

Name	Age	Location	Possible Relations	Complete Details
<a href="#">Russ Michel</a> <i>Russell J Michel Russell J Michael</i>	61	Port Ludlow, WA Redmond, WA	Judith K Michel Meredith H Michel Trevor D Michel	
<a href="#">Russ Michel</a> <i>R Michel 2 more</i>	Died in 2009 (96)	Odessa, WA Ellensburg, WA	Virginia S Michel	
<a href="#">Russ Michel</a>		Odessa, WA		
<a href="#">Russ Mitchell</a> <i>Russ S Mitchell 2 more</i>	63	Kent, WA Kirkland, WA Cumberland, WA Everett, WA Seattle, WA		
<a href="#">Russ D Mitchell</a> <i>Russell D Mitchell</i>	63	Granite Falls, WA Seattle, WA		
<a href="#">Russ S Mitchell</a> <i>Russel S Mitchell Russell S Mitchell</i>	51	Spokane, WA Spokane Valley, WA		
<a href="#">Russ Mitchell</a>		Everett, WA		
<a href="#">Russ S Mitchell</a>	63	Kent, WA Kirkland, WA Cumberland, WA		
<a href="#">Russ L Mitchell</a> <i>Russel Mitchell 3 more</i>	44	East Wenatchee, WA North Las Vegas, NV		
<a href="#">R Mitchell</a> <i>Russell Mitchell 2 more</i>	52	Lynnwood, WA		
<a href="#">Russell B Mitchell</a>		Blaine, WA		

- advertisement -



People Search

Reverse Phone

Background Check

Criminal Records

Public Records

First Name: Russ MI: Last Name: Michel City: State: Washington Age: Date of Birth: Month

### Russ Michel in WA (2 Results)



Send a copy of this report to your email

	Person	Known Addresses	Phone Number
1.	<b>Russ Michel</b> (Age 61) <b>Birth Date:</b> 07/27/1951  <b>Associated Names:</b> Russ J Michel Russell J Michel Russ Michel  <div>Background Report</div>	<b>ADDRESS 1:</b> 234 Crestview Dr Port Ludlow, WA 98365  <b>ADDRESS 2:</b> 8506 E 172nd Ave NE Redmond, WA 98052  <b>ADDRESS 3:</b> 1700 N Franklin St Unit 100 Philadelphia, PA 19122  <b>ADDRESS 4:</b> 1021 Fulbright Ave Redlands, CA 92373  <b>ADDRESS 5:</b> 1700 Benjamin Franklin Pkwy Unit 100 Philadelphia, PA 19103  <b>ADDRESS 6:</b> 8506 E N Unit 172 Redmond, WA 98052	(360) 437-9
2.	<b>Russ Michel</b> <b>Associated Names:</b> R Michel Russ Michel Russell Michel	<b>ADDRESS 1:</b> 712 E 2nd Ave Odessa, WA 99159  <b>ADDRESS 2:</b>	(509) 982-2

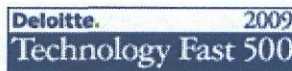
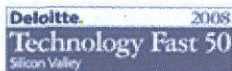
*Most Recent*

Person	Known Addresses	Phone Num
<div>Background Report</div>	<div>9 Po Box Odessa, WA 99159</div> <div><b>ADDRESS 3:</b> 2100 Wilson Creek Rd Ellensburg, WA 98926</div> <div><b>ADDRESS 4:</b> 1085 Po Box Ellensburg, WA 98926</div> <div>APP Address</div>	

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STATE OF WASHINGTON  
DEPARTMENT OF ECOLOGY

*Returned Undeliverable*

15 W Yakima Ave, Ste 200 • Yakima, WA 98902-3452 • (509) 575-2490

August 15, 2013

Russ Michel  
Route 5 Box 1085  
Ellensburg WA 98926

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<http://pubs.usgs.gov/sir/2011/5155/>

**FILE COPY**

The study also demonstrates that pumping groundwater wells in Kittitas County reduces streamflow and would add to the existing water deficit in the Yakima Basin.

Therefore, Ecology anticipates that it will be unable to approve any pending applications for new surface water or groundwater rights in this county unless an applicant is able to mitigate for the expected impact of the new water use. This is because a formal permit decision would likely conclude that under state law: 1) water is not available for new appropriation, 2) a new appropriation would impair existing water rights, and 3) a new appropriation would not be in the public interest. (RCW 90.03.290)

The good news is the Yakima Basin Integrated Water Resources Management Plan<sup>4</sup> (Integrated Plan) is working to fill the Basin's existing deficit and may even provide some additional water supplies in the basin for future uses. Unfortunately, the Integrated Plan is a long-term solution and is not the short-term answer.

Based on our review of your application, we have determined that your water right application is junior to the critical date of May 10, 1905, and will likely have an impact on surface water in the Yakima Basin unless mitigated. Therefore, we ask that you consider, and subsequently choose one of the following options regarding your pending water right application on the enclosed Statement of Intent form.

#### Application Processing Options

- A. **Mitigate<sup>5</sup>** - In the case of your application, providing a mitigation plan that protects existing water rights by offsetting the flow impacts to the Yakima River and/or nearby tributary creeks may allow Ecology to approve your application that otherwise would likely be denied because it does not meet the legal requirements of water availability, impairment, or public interest. A mitigation plan should describe the effects of your proposed water use and present a proposal to alleviate those effects.
- a. **Mitigate with Plan.** By selecting this option, you choose to include a mitigation plan to support processing your application. The mitigation plan must offset the adverse impacts to the state's water resources that would be caused by the new consumptive use identified in your application, and must protect existing water rights by offsetting adverse flow impacts to either the Yakima River and/or a more nearby tributary creek.
  - b. **On-hold.** By selecting this option, you choose to place your application On-Hold, while you pursue mitigation. A mitigation plan can be submitted at any time in the future to accompany your application. You will not lose the priority date of your application as a result of selecting this option.

---

<sup>4</sup> The Integrated Plan identifies a comprehensive approach to develop water resources and ecosystem restoration improvements to address a variety of problems affecting fish passage, fish habitat, and water supplies for agriculture, municipalities, and domestic uses. <http://www.ecy.wa.gov/programs/wr/cwp/YBIP.html>

<sup>5</sup> "Mitigation" means measures that offset adverse effects on a water source to eliminate impairment to existing water rights and/or detriment to the public interest. See FAQ enclosure for more details.

- B. **Process** - You may request that your application continue to be processed to a formal decision without providing or seeking mitigation.
- a. **Process – Non-Consumptive.** By selecting this option, you request that your application be processed at this time because your project qualifies as a non-consumptive<sup>6</sup> use. A non-consumptive water use does not diminish the water source or impair existing water rights.
  - b. **Process – Consumptive, Without Mitigation.** By selecting this option, you request that your application be processed in its current state, though an approval is unlikely. Groundwater and surface water are not available for further consumptive appropriation in the subbasin where your application is pending. Exercising this option requires Ecology to make a formal decision on your application that is appealable pursuant to RCW 43.21B.310.
- C. **Assign** – If you are no longer the current owner of the place where the permit application was intended to be used, selecting this option requests that your interest in the permit application be assigned to another person. This requires an assignment form and fee be filed with Ecology for the application (RCW 90.03.310). Assignment forms are available at <http://www.ecy.wa.gov/biblio/ecy040161.html>.
- D. **Withdraw** - If you are no longer interested in pursuing your application to appropriate public waters of the state, selecting this option will withdraw your application and remove it from the list of pending applications. Withdrawal is voluntary.

This letter and the enclosed Statement of Intent Form have been sent to determine the next steps regarding No. G4-31673. This letter is not an Administrative Order issued by Ecology pursuant to RCW 43.27A.190, nor is issuance of this letter an appealable action pursuant to RCW 43.21B.310.

Please reply within ninety (90) days of the date of this letter by choosing one option on the enclosed Statement of Intent Form and mailing it back to Ecology using the enclosed postage-paid envelope.

**If you do not respond within ninety (90) days of the date of this letter or do not return the enclosed form, Ecology will process the application in its current state. An approval is unlikely; a formal decision is likely to result in a denial of the application based on groundwater and surface water not being available for further consumptive appropriation in the subbasin where your application is pending. A formal decision will result in an appealable action pursuant to RCW 43.21B.310.**

---

<sup>6</sup> Water Resources Program Policy 1020 – Consumptive and Nonconsumptive water use.  
[http://www.ecy.wa.gov/programs/wr/rules/pol\\_pro.html](http://www.ecy.wa.gov/programs/wr/rules/pol_pro.html)

If you have any questions or need additional assistance, we have several staff available to help.

Please contact:

Teresa Mitchell at [teresa.mitchell@ecy.wa.gov](mailto:teresa.mitchell@ecy.wa.gov) or 509-575-2597 or  
Sage Park at [sage.park@ecy.wa.gov](mailto:sage.park@ecy.wa.gov) or 509-454-7647

Sincerely,



Mark Kemner, LHG  
Section Manager  
Water Resources Program

MK:gh  
130807

Enclosure: *Statement of Intent Form for Pending Application for a Water Right Permit in the  
Yakima Basin (plus postage-paid envelope for returning the form)  
Focus on mitigation in the Yakima Basin, publication no. 12-11-024*

By certified mail: 7010 0290 0000 7126 3769

7

<b>U.S. Postal Service™</b>	
<b>CERTIFIED MAIL™ RECEIPT</b>	
<small>(Domestic Mail Only; No Insurance Coverage Provided)</small>	
<small>For delivery information visit our website at <a href="http://www.usps.com">www.usps.com</a></small>	
<b>OFFICIAL USE</b>	
Postage \$	Postmark Here
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Return Receipt Fee (Endorsement Required)	
Restricted Delivery Fee (Endorsement Required)	
Russ Michel	
Route 5 Box 1085	
Ellensburg WA 98926	
WR/gh G4-31673 KRO	
<small>PS Form 3800, August 2006 See Reverse for Instructions</small>	

692E 9212 0000 0620 0702

7



**Water Resources Program**  
**Statement of Intent for Pending Application**  
**for a Water Right Permit**

*To determine interest and/or option of pursuing an existing new water right  
Application in the Yakima Basin (WRLAs 37, 38 and 39)*

**Questions about this form should be directed to the Department of Ecology  
Central Regional Office (509) 575-2490**

**1. Application Number:**

WATER RIGHT APPLICATION NO. (i.e. 1234, G4-01234, etc.)

**G4-31673**

**2. Applicant Information:**

APPLICANT/BUSINESS NAME	PHONE NO.	PHONE NO.
MAILING ADDRESS		
CITY	STATE	ZIP CODE
E-MAIL ADDRESS		

**3. Intent: Check the Appropriate Box: Choose ONLY one box.**

- A. **Mitigate** - Providing a mitigation plan may allow Ecology to approve your application.
- ☐ a. **MITIGATE with PLAN:** I/we request that Ecology amend this application to include the attached mitigation plan and process the application at this time. I/we believe my mitigation plan offsets the adverse impacts to the state's water resources that would be caused by the new consumptive use identified in this application. I believe the proposed mitigation plan protects existing water rights by offsetting adverse flow impacts to the Yakima River and/or a more nearby tributary creek.
- ☐ b. **ON-HOLD:** I/we request that Ecology place this application On-Hold, while I/we pursue mitigation. A mitigation plan can be submitted at any time in the future to accompany this application. The application priority date will remain the same as a result of choosing this option.

**FILE COPY**

*(Continued on reverse side →)*

B. **Process** - Please process my application.

☐

**a. PROCESS – NON-CONSUMPTIVE:** I/we request that Ecology process the application at this time. I/we believe the proposed project qualifies as a non-consumptive use. A non-consumptive water use does not diminish the source or impair existing water rights.

☐

**b. PROCESS – CONSUMPTIVE, WITHOUT MITIGATION:** I/we request that Ecology process this application in its current state. I/we hereby request that the application be evaluated for approval or denial, which is an appealable action.

C. **Assign** - I/we no longer own the place where water was intended to be used under the permit application.

☐

**ASSIGN:** I/we request to assign my/our interest in the permit application to another person. This requires filing of an application assignment form and fee (RCW 90.03.310). To download the assignment form go here:  
<http://www.ecy.wa.gov/biblio/ecy040161.html>

*If you choose to assign, please also check the appropriate box below.*

- ☐ Process the attached assignment form.  
☐ Mail me an assignment form.

D. **Withdraw** - Please withdraw my application.

☐

**WITHDRAW:** I am/we are no longer interested in pursuing the above application to appropriate public waters of the state. I/we understand that this withdrawal is voluntary and that this application will be removed from the list of pending applications.

4. **Signatures:** Attach additional signatures, if applicable.

*I certify that I am the holder or authorized representative of the above water right application.*

\_\_\_\_\_  
Print Name  
(Applicant or authorized representative)

\_\_\_\_\_  
Signature

\_\_\_\_\_  
Date

\_\_\_\_\_  
Print Name  
(Applicant or authorized representative)

\_\_\_\_\_  
Signature

\_\_\_\_\_  
Date

**A Business Reply Envelope is enclosed. Submit the form to:**

Department of Ecology  
CRO - WR  
PO Box 47600  
Olympia WA 98599-7600

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# Track & Confirm

YOUR LABEL NUMBER	SERVICE	STATUS OF YOUR ITEM	DATE & TIME	LOCATION	FEATURES
70100290000071263769		Delivered	August 22, 2013, 11:49 am	YAKIMA, WA 98902	Certified Mail™
		Processed through USPS Sort Facility	August 21, 2013, 3:18 pm	SPOKANE, WA 99224	
		Depart USPS Sort Facility	August 20, 2013	SPOKANE, WA 99224	
		Processed through USPS Sort Facility	August 20, 2013, 2:08 pm	SPOKANE, WA 99224	
		Undeliverable as Addressed	August 17, 2013, 7:01 am	ELLENSBURG, WA 98926	
		Processed through USPS Sort Facility	August 16, 2013, 3:14 am	YAKIMA, WA 98903	
		Depart USPS Sort Facility	August 15, 2013	YAKIMA, WA 98903	
		Processed through USPS Sort Facility	August 15, 2013, 9:29 pm	YAKIMA, WA 98903	

**Check on Another Item**

What's your label (or receipt) number?

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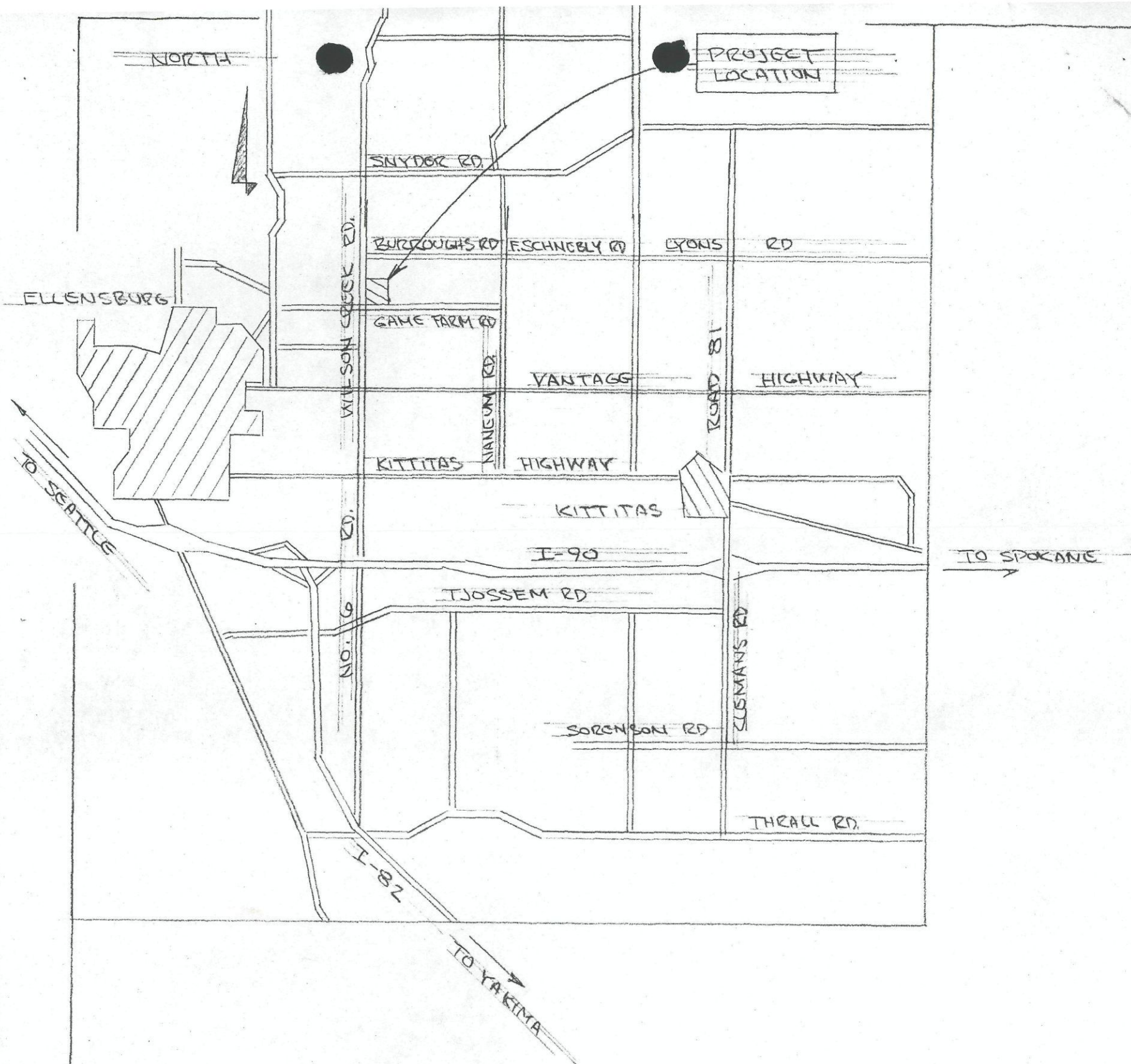
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VICINITY MAP

NO SCALE

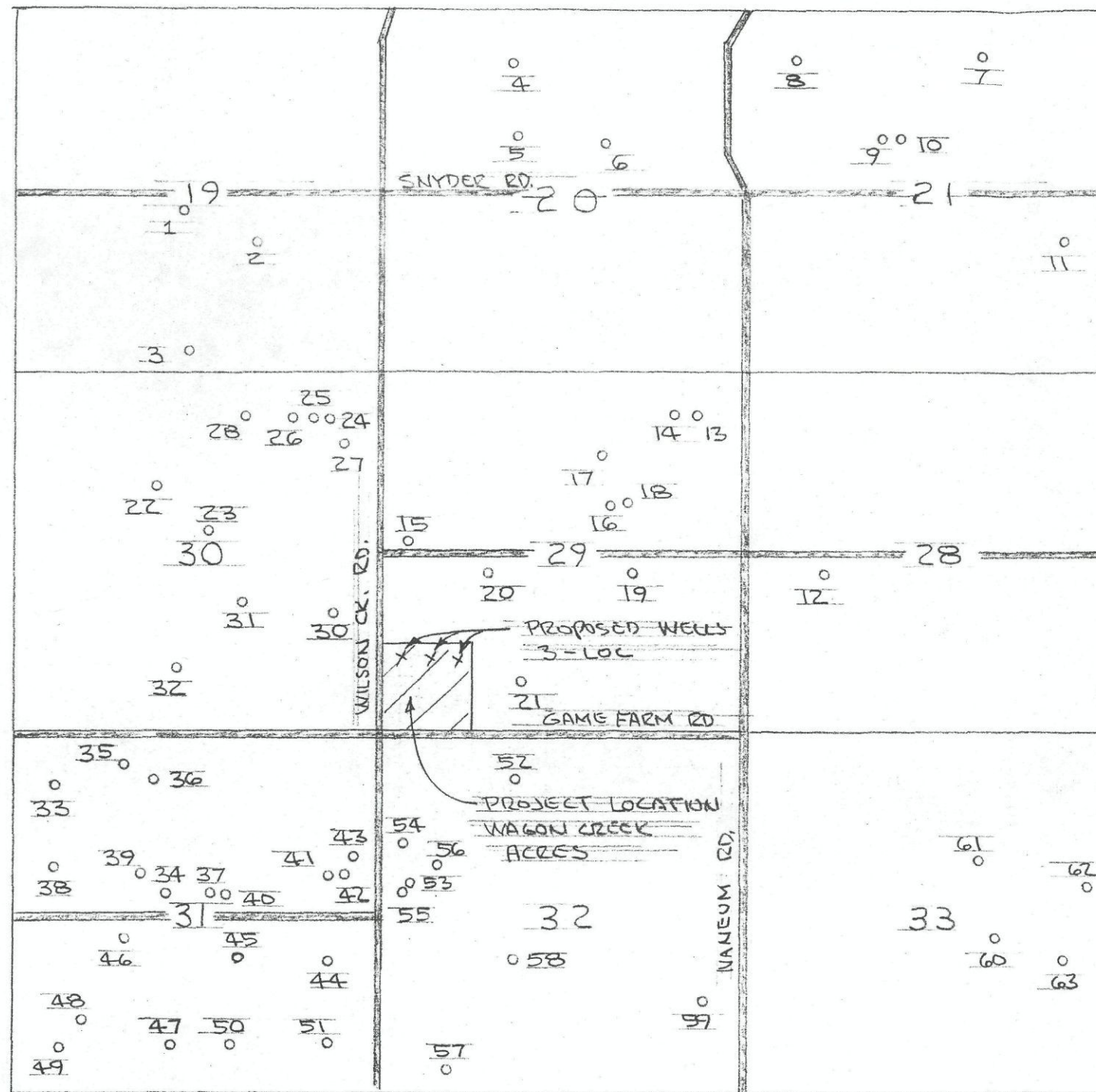


GENERAL NOTES :-

1. OWNER : RUSS MICHEL

431673

WAGON CREEK ACRES		
PRELIMINARY PLAT		
D.O. ECOLOGY WATER RIGHT APPLICATION		
VICINITY MAP		
PORTION OF SEC 29, T18N,		
R19E, W.M., KITTITAS COUNTY		
R.D. McDEVIN	SCALE	SH. 1
3/24/93	AS SHOWN	



# EXISTING WELLS WITHIN 1/4 MILE ± OF PROJECT - 0

1- SIGLER, 100' / 10 gpm	33- BENDER, 190' / 30 gpm
2- ARNOLD, 400' / 2.5 gpm	34- STULL, 180' / 15 gpm
3- SPELLMAN, 165' / 15 gpm	35- BENDER, 160' / 20 gpm
4- ADAMS, 160' / 15 gpm	36- HUMMEL, 200' / 40 gpm
5- AKEHVEST, 160' / 20 gpm	37- WEST, 100' / —
6- MCELLIOT, 260' / 14 gpm	38- ELL. CONST., 65' / 15 gpm
7- ADAMS, 160' / 12 gpm	39- TOLMAN, 80' / 50 gpm
8- THOMAS, 90' / 15 gpm	40- WIPPEL, 60' / 10 gpm
9- TOWMAN, 126' / 20 gpm	41- SCHMIDT, 210' / 20 gpm
(WELL DEEPEMED 182' / 75 gpm)	42- SCHMIDT, 210' / 20 gpm
10- COX, 130' / 10 gpm	43- SWANSON, 200' / 30 gpm
11- SCHNEBL, 320' / 12 gpm	44- BOUCHE, 200' / 30 gpm
12- BUSBY LIVESTOCK, 220' / 15 gpm	45- RITSCHEL, — / —
13- GIBBY CONST., 82' / 18 gpm	46- CRUSE, 55' / 10 gpm
14- SMITH, 85' / 27 gpm	47- HASSEY, 100' / 15 gpm
15- MICHEL, 160' / 25 gpm	48- PRATT, 63' / 25 gpm
16- NELSON, 150' / 12 gpm	49- WILLET, 150' / 15 gpm
17- DODGE, 220' / 20 gpm	50- DEFOOR, 130' / 20 gpm
18- HABERMAN, 148' / 15 gpm	51- LEE, 160' / 25 gpm
19- PERRY, 160' / 15 gpm	52- BLENDEN, 97' / 20 gpm
20- DEHOLLANDER, 160' / 15 gpm	53- HOWELL, 237' / 100 gpm
21- BONGIORNI, 85' / 20 gpm	54- GOLTZ, 180' / 15 gpm
22- DIER, 180' / 25 gpm	55- WAHLE, 50' / —
23- MOORMAN, 200' / 15 gpm	56- WAHLE, 245' / 30 gpm
24- ENGEL, 165' / 15 gpm	57- HUBBARD, 150' / 15 gpm
25- JOHNSON, 141' / 30 gpm	58- WILLETT, 160' / 20 gpm
26- JELSRUD, 160' / 15 gpm	59- CALAWAY, 180' / 60 gpm
27- PROEPPEL, 125' / 15 gpm	60- HOJALMEN, 55' / 6.5 gpm
28- CANNELL, 102' / 12 gpm	61- JOHNSON, 270' / 30 gpm
29- BROZOVICH, 165' / 6 gpm	62- COLBURN, 230' / 15 gpm
30- MATHIASON, 145' / 15 gpm	63- SWAYZE, 160' / 10 gpm
31- BEEDLE, 280' / 30 gpm	
32- BAILES, 180' / 15 gpm	

## GENERAL NOTES:-

1. OWNER: RUSS MICHEL

T18N, R19E, W.M., KITTITAS COUNTY

SECTION MAP

NO SCALE

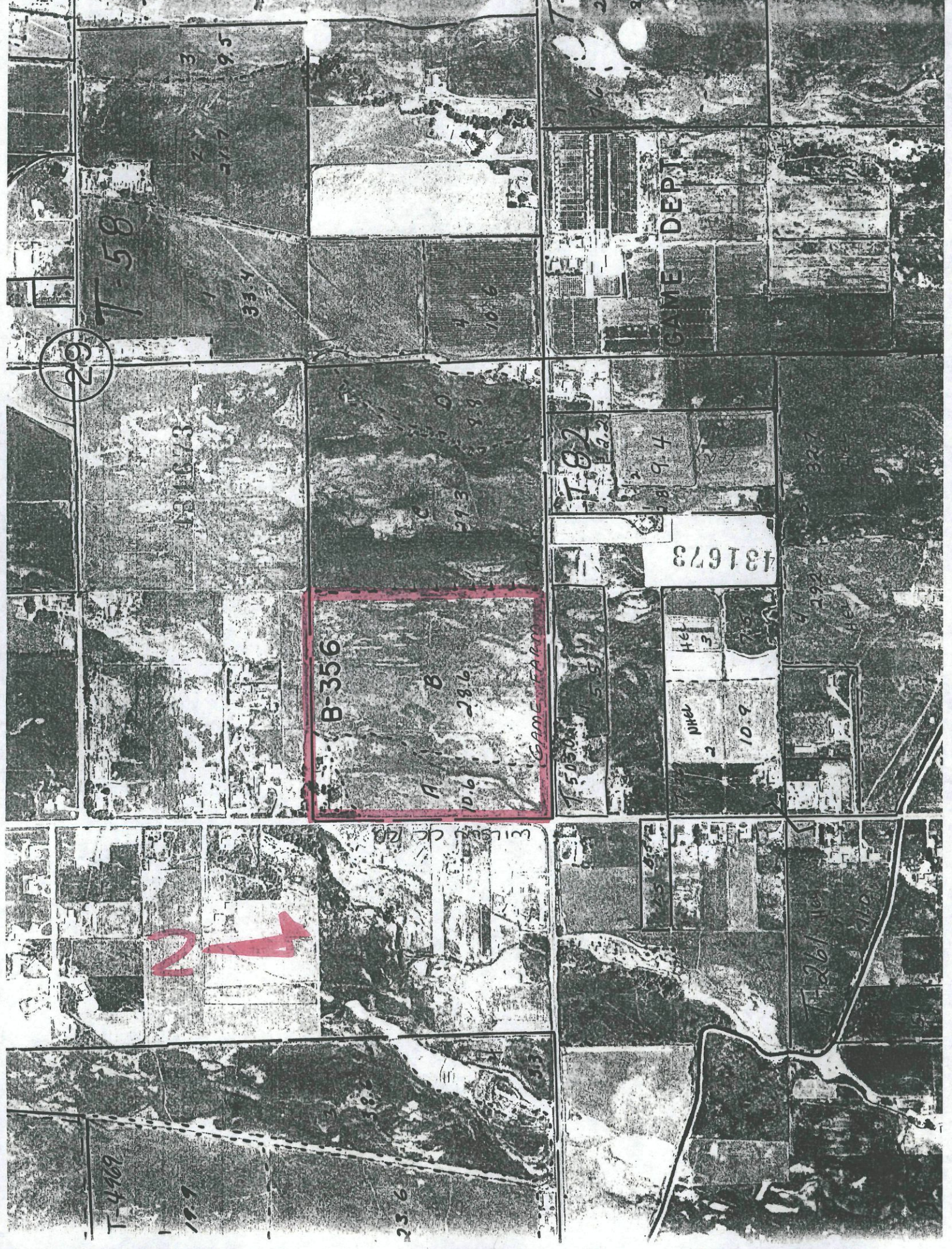
431673

WAGON CREEK ACRES  
PRELIMINARY PLAT

D.O. ECOLOGY WATER RIGHT APPLICATION  
SECTION MAP / WELL LOCATION

PORTION OF SEC. 29, T18N,  
R19E, W.M., KITTITAS COUNTY

R.D. McEWAN	SCALE	SH. 2
3/24/93	AS SHOWN	



29

T-58

431673

B-356

B

286

10.6

GAME FARM

T-82

189.4

431673

10.9

10.9

T-4969

199

236

T-26110

GAME DEPT.



STATE OF WASHINGTON  
DEPARTMENT OF ECOLOGY

15 West Yakima, Suite 200 • Yakima, Washington 98902-3452 • (509) 575-2490

August 11, 1999

Dear Ground Water Applicant:

Re: Ground Water Study

In the next few days you will hear about a new study that the Department of Ecology (Ecology) will be undertaking together with the U.S. Bureau of Reclamation (USBR) and the Yakama Nation. The ground water study will be led by the U.S. Geological Survey (USGS), which has been involved in many aquifer studies both in Central and Eastern Washington.

Ecology, the USBR and the Yakama Nation recognize that additional scientific data is needed to make sound water management decisions in the Yakima River Basin, including new ground water permit decisions. While much of the Yakima Basin's surface water is appropriated, and is under adjudication, just how much, when and where ground water withdrawals impact surface water supplies is not well understood.

We are launching this study to learn more about the relationship between ground water and surface water supplies, and to establish a set of common principles for managing water resources, including ground water.

Until the study is complete, the three parties have agreed to conservatively manage water resources in the basin.

Within the next 120 days, the Department of Ecology will propose a rule that would curtail or limit new ground water withdrawals until study results are available. The rule-making process is a public process and there will be workshops and hearings to inform water users in the valley of the reasons for the withdrawal and how it would work. Transfers of, or changes to, existing ground water rights would still be processed as resources at Ecology or local conservancy boards allow.

Ecology looks forward to your questions, comments, and participation in the upcoming process. If you have any questions please contact Carol Mortensen, Water Resources Customer Assistance, at (509) 575-2597. Please see enclosures for more information.

Sincerely,

Robert F. Barwin, Section Manager  
Water Resources Program

990801ska





State of Washington  
DEPARTMENT OF ECOLOGY  
15 W Yakima Ave Ste 200  
Yakima WA 98902-3452



64-31673



RUSS MICHEL  
RT 5 BOX 1085  
ELLENSBURG WA 98926



S10H  
DEPARTMENT OF ECOLOGY  
FPSS/BASS/FISCAL OFFICE/CASHIERING SECTION

RECEIVED

OCT 08 1993

DEPARTMENT OF ECOLOGY  
WATER RESOURCES

DATE: 10/06/93

CASHIERING RECEIPT  
PAGE: 1 OF 1

RECEIVED FROM: DAVID READ

AMOUNT: \$100.00  
DATE: 10/06/93  
RECEIPT NO: 94-084429  
CHECK/MO NO: 1005

PHONE: (206) 459-6207  
P.O. BOX 5128  
LACEY, WA 98503-5128

PURPOSE: WATER RIGHT SURCHARGE

PERMIT NO:  
MANIFEST NO:  
CASHIER: BEWI461

(For low-level surcharge only.)

NAMES:

- 1.
- 2.
- 3.
- 4.
- 5.
- 6.
- 7.
- 8.
- 9.

FOR ACCOUNTING PURPOSES:  
CJ NO: 461C0287

RECEIPT CODING:

16.6H

H

INV/CAT CD	ID/APPL NO	TYPE	AMOUNT	FUND DISTRIBUTION
	G4-31673	WRF	\$100.00	001- -001- - - - - - - - -CRO- - - -02-85-000011

S10H

Please detach and return with your remittance.

Payment due:

OCTOBER 8, 1993

Application number:

G4-31673

Please mail to:

Department of Ecology  
Water Right Application Surcharge  
PO BOX 5128  
LACEY WA 98503-0210

For agency use only: 001-02-85-11

Region: CRO

Please write your application number on your check or money order. Do not mail cash.  
Make checks payable to the Department of Ecology.

P 371 313 016

Is your RETURN ADDRESS completed on the reverse side?

**SENDER:**

- Complete items 1 and/or 2 for additional services.
- Complete items 3, and 4a & b.
- Print your name and address on the reverse of this form so that we can return this card to you.
- Attach this form to the front of the mailpiece, or on the back if space does not permit.
- Write "Return Receipt Requested" on the mailpiece below the article number.
- The Return Receipt will show to whom the article was delivered and the date delivered.

3. Article Addressed to:

G4-31673 P 371 313 016

RUSS MICHEL  
C/O R D MCIRVIN  
RT 2 BOX 1265  
ELLENSBURG WA 98926

5. Signature (Addressee)

6. Signature (Agent)

I also wish to receive the following services (for an extra fee):

1. ☐ Addressee's Address  
2. ☐ Restricted Delivery

Consult postmaster for fee.

4a. Article Number

4b. Service Type

- ☐ Registered ☐ Insured  
☒ Certified ☐ COD  
☐ Express Mail ☐ Return Receipt for Merchandise

7. Date of Delivery

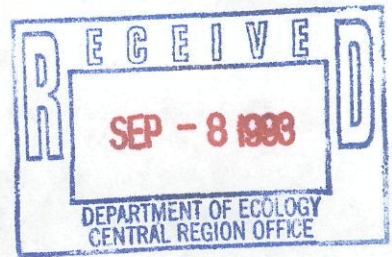
8. Addressee's Address (Only if requested and fee is paid)

Thank you for using Return Receipt Service.

PS Form 3811, December 1991

★U.S. GPO: 1992-323-402

DOMESTIC RETURN RECEIPT



Ronald D. McIrvin  
Professional Civil Engineer  
Rt. 2 Box 1265  
Ellensburg, WA 98926

(509) 968-3149

September 7, 1993

CERTIFIED

Myria J. Autrey Johnson ✓  
Water Resources Program  
Department of Ecology  
Central Regional Office  
3601 West Washington  
Yakima, WA 98903-1164

Dear Ms. Johnson:


RE: Groundwater Application No. G4-31673, for Russ Michel

All future correspondence for the subject application from your office will be handled by Mr. Dave Read. Please change your files to indicate that the mailing addressee for groundwater application No. G4-31673 is now:

Dave Read  
Rt. 1 Box 916  
Ellensburg, WA 98926 - 9724

If you have any questions, I can be reached at (509) 968-3149.

Sincerely,

  
Ronald D. McIrvin, P.E.



STATE OF WASHINGTON  
DEPARTMENT OF ECOLOGY

3601 W. Washington • Yakima, Washington 98903-1164 • (509) 575-2800  
June 18, 1993

Russ Michel  
c/o R. D. McIrvin PE  
Route 2 Box 1265  
Ellensburg WA 98926

Dear Mr. Michel:

Re: Ground Water Application No. G4-31673

For your information, Ed Sullivan, whose address is Route 1 Box 1109, Ellensburg WA 98926, has filed a written protest to your application for a water right. A copy of the protest is enclosed for your information.

This protest will be fully considered before taking further action on your application.

Sincerely,

Water Resources Program  
Central Regional Office

gh

Enclosure(s): Copy of Protest Letter

pn-10a:Form  
(6/92)

FILE COPY

June 1, 1993



From: Ed Sullivan  
Route 1, Box 1109  
Ellensburg, Washington 98926

To: Washington State Department of Ecology  
Yakima, Washington 98903

Subject: Notice of Application to Appropriate Public Waters  
Application No G4-31673 from 3 wells in the amount of  
120 gallons per minute each year.

I believe the aquifer in the Kittitas Valley is limited and if every farmer or land developer who wishes to drill a well is permitted to do so that the aquifer will be drawn down and also possibly become contaminated.

I believe the aquifers in the Spokane Area, Moscow/Pullman Area, Skagit Valley, and the Yakima City Areas are already damaged.

I am objecting to the approval of this application.

*Ed Sullivan*

Ed Sullivan

Enclosed find Check for \$2.00.

*ok for protest  
#10*

*Buss Michel*



STATE OF WASHINGTON  
DEPARTMENT OF ECOLOGY

3601 W. Washington • Yakima, Washington 98903-1164 • (509) 575-2800

June 18, 1993

Ed Sullivan  
Route 1 Box 1109  
Ellensburg WA 98926

Dear Mr. Sullivan:

Re: Ground Water Application No. G4-31673

Your protest against the granting of a water right to Russ Michel is acknowledged and made a matter of record.

Your objections will be fully considered before taking further action on this application.

Sincerely,

Water Resources Program  
Central Regional Office

gh

Enclosure(s): Receipt No. 189665

pn-10:Form  
(6/92)

FILE COPY



WASHINGTON STATE  
DEPARTMENT OF ECOLOGY

RE PT 189665

DATE 6-16-93

RECEIVED FROM Ed Sullivan  
Tw Dollars 21.00 Ellenburg

FUND: General ☒ UST ☐ WWD ☐ Other ☐ Cash ☐

LOCATION: Check # 93078

PURPOSE: MO #

Quotepaper # G4-31673

010-144

By Jennifer Lee  
Thank You

RECEIVED  
MAY 27 1993  
DEPARTMENT OF ECOLOGY  
CENTRAL REGION OFFICE

# Affidavit of Publication

NOTICE OF APPLICATION TO APPROPRIATE PUBLIC WATERS  
TAKE NOTICE:  
That Russ Michel of Ellensburg, Washington on March 26, 1993 under Application No. G4-31673 filed for permit to appropriate public waters, subject to existing rights, from 3 wells in the amount of 120 gallons per minute each year, for continuous community domestic supply, fire protection.  
The source of the proposed appropriation is located within SW 1/4 SW 1/4 of Section 29, Township 18 N., Range 19E. W.M., in Kittitas County.  
Protests or objections to approval of this application must include a detailed statement of the basis for objections; protests must be accompanied by a two dollar (\$2.00) recording fee and filed with the Department of Ecology, at the address shown below, within thirty (30) days from May 22, 1993.  
State of Washington  
Department of Ecology  
3601 W. Washington  
Yakima, WA 98903  
PUBLISH: May 15, 22, 1993

State of Washington, County of Kittitas, as:

.....Keith Love..... being first duly

sworn on oath, deposes and says: That.....he..... is the .....  
Publisher

..... of the Daily Record, a daily newspaper. That said newspaper is a legal newspaper and has been approved as a legal newspaper by order of the superior court in the county in which it is published and it is now and has been for more than six months prior to the date of the publications hereinafter referred to, published in the English language continually as a newspaper in Ellensburg, Kittitas County, Washington, and it is now and during all of said time we printed in an office maintained at the aforesaid place of publication of said newspaper. That the annexed is a true copy of .....

.....Water Application Michel.....

as is was published in regular issues (and not in supplement form) of said newspaper once a week for a period of .....<sup>2</sup>..... consecutive weeks, commencing on the

.....15th..... day of ..May....., 1993..... and ending on the ..22nd.... day of

.....May....., 19<sup>93</sup>....., both dates inclusive and that such newspaper was regularly distributed to its subscribers during all of said period. That the full amount of the fee charged for the forgoing publication is the sum of \$.....<sup>30.25</sup>....., which amount has been paid in full, at the rate \$2.64 per column inch for the first insertion and \$2.59 per column inch for each subsequent insertion.

Subscribed and sworn to before me this .....<sup>25th</sup>..... day of .....<sup>May</sup>....., 19<sup>93</sup>.....

*[Signature]*  
.....  
*[Signature]*  
.....

Notary Public in and for that State of Washington, Residing at Ellensburg, Washington.  
(SEAL)

OK 5/27/93  
mjs



STATE OF WASHINGTON  
DEPARTMENT OF ECOLOGY

3601 W. Washington • Yakima, Washington 98903-1164 • (509) 575-2800

May 6, 1993

Russ Michel  
c/o R.D. McIrvin, P.E.  
Route 2, Box 1265  
Ellensburg, WA 98926

Re: Ground Water Application No. G4-31673

We have received your application for appropriation of water and it has been assigned the above number. Please refer to it by number in future correspondence.

Community water systems are required to be approved by either the local health department or the Department of Health depending upon system size. If you have not already done so, we suggest that you contact either your local health department or the Department of Health, Division of Drinking Water, PO Box 47822, Olympia, Washington 98504-7822 for further information.

Please complete the following two steps:

1. Enclosed is a notice of your application which must be published once a week for two consecutive weeks in a newspaper published in Kittitas County. The newspaper should have general circulation in the locality where the water is to be diverted and used, and must be qualified as a legal newspaper. Publishing the notice in a remote part of the county, when not necessary, may be cause for you to be required to republish the notice in a designated newspaper.

Publication should start within 30 days from the date of this letter.

To assure accuracy, it is your responsibility to check the notice carefully before having it published. If an error is detected, please contact this office for correction and/or resolution. The actual date of the second printing must appear in both publications.

Page 2

2. After publication, the publishing newspaper should provide you with a notarized original Affidavit of Publication which should be forwarded to our office as soon as possible.

Sincerely,

Water Resources Program  
Central Regional Office

Enclosure(s):      Receipt No. 188864  
                         Public Notice  
                         Newspaper List  
                         General Information Letter

NOTE: PLEASE ADVISE OF ANY ADDRESS CHANGE



WASHINGTON STATE  
DEPARTMENT OF ECOLOGY

RECEIPT 188864

DATE 4-23-93

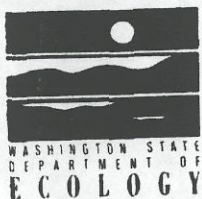
RECEIVED FROM Ronald D. McIrvin  
Sen Elburg  
DOLLARS 18<sup>00</sup>

FUND: General ☒ UST ☐ WWD ☐ Other ☐ Cash ☐

LOCATION:   
Check # 5784

PURPOSE:   
MO #   
Gpp fee # 64-31673

By Jimmy Uleas  
Thank You



STATE OF WASHINGTON  
DEPARTMENT OF ECOLOGY

NOTICE OF APPLICATION TO APPROPRIATE PUBLIC WATERS

TAKE NOTICE:

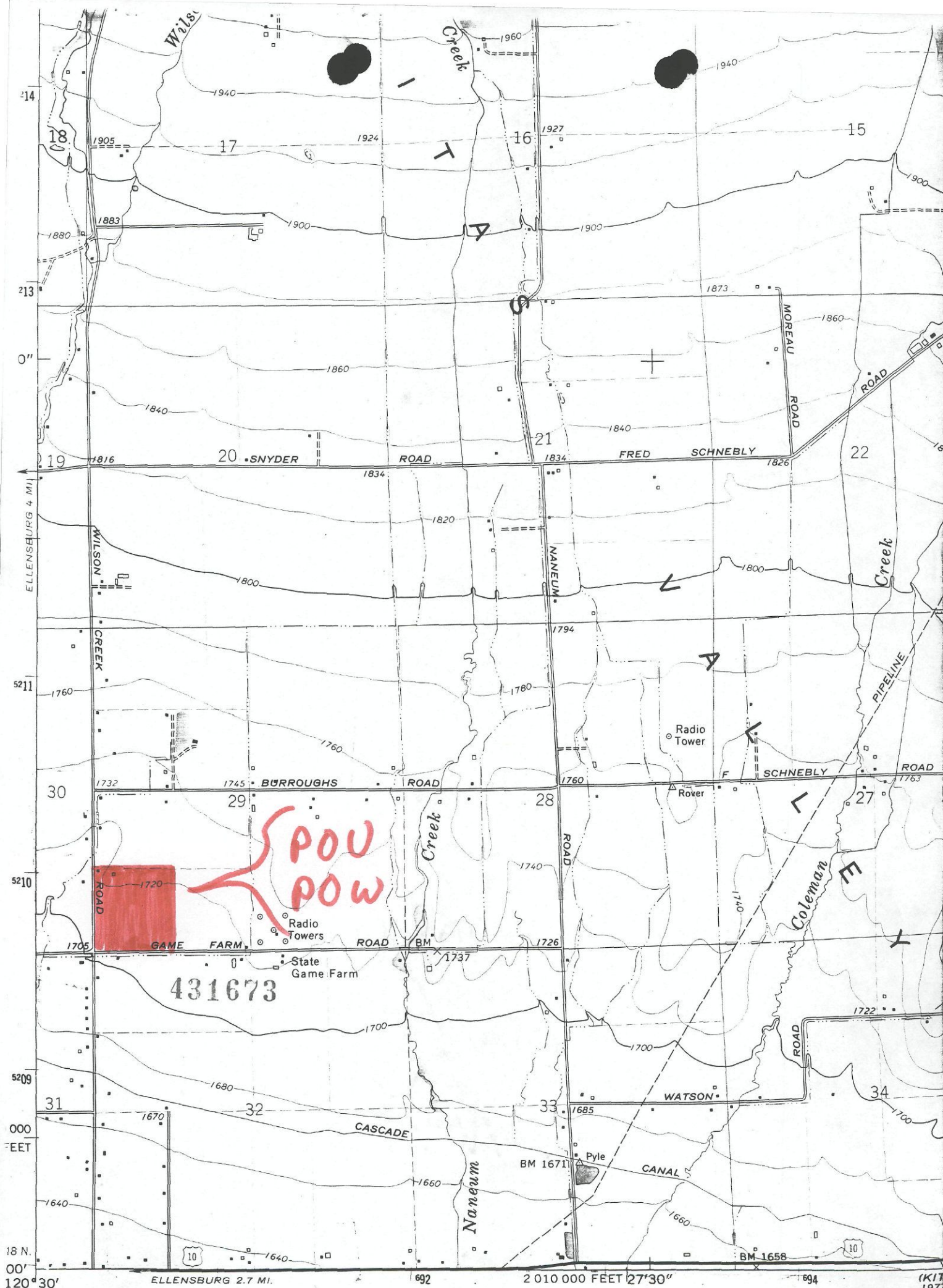
That RUSS MICHEL  
of Ellensburg, Washington on March 26, 1993 under  
Application No. G4-31673 filed for permit to appropriate public waters, subject to existing rights,  
from 3 wells  
in the amount of 120 gallons per minute  
each year, for continuous community domestic supply, fire protection  
  
The source of the proposed appropriation is located within SW $\frac{1}{4}$  SW $\frac{1}{4}$   
  
of Section 29, Township 18 N., Range 19 E. W.M., in Kittitas County.

*Protests or objections to approval of this application must include a detailed statement of the basis for objections; protests must be accompanied by a two dollar (\$2.00) recording fee and filed with the Department of Ecology, at the address shown below, within thirty (30) days from*

*(Last date of publication to be entered above by publisher)*

State of Washington  
Department of Ecology  
3601 W. Washington  
Yakima, WA 98903

NOTICE



Mapped, edited, and published by the Geological Survey

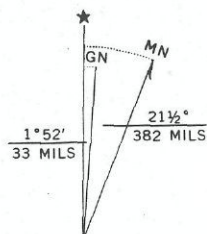
Control by USGS, USC&GS, and USCE

Topography by photogrammetric methods from aerial photographs taken 1964. Field checked 1966

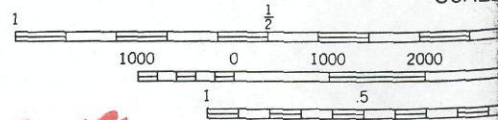
Polyconic projection. 1927 North American datum  
10,000-foot grid based on Washington coordinate system,  
south zone

1000-meter Universal Transverse Mercator grid ticks,  
zone 10, shown in blue

Fine red dashed lines indicate selected fence lines



UTM GRID AND 1966 MAGNETIC NORTH  
DECLINATION AT CENTER OF SHEET



CONTOUR IN  
DATUM IS M

T 18  
R 19  
S 29

THIS MAP COMPLIES WITH NAT  
FOR SALE BY U. S. GEOLOGICAL SURVEY, DENV  
A FOLDER DESCRIBING TOPOGRAPHIC MAP

SCALE 2 IN. - 1 MILE

CHOPL VII

(54)

R19

